

**Honorable Paul G. Gardephe, U.S.D.J.**  
**United States District Court for the Southern District of New York**  
**United States Courthouse**  
**40 Foley Square, Room 2204**  
**New York, NY 10007**

**Re:    *Ferdman v. CBS Interactive Inc***  
***Docket No. 1:17-cv-1317 (PGG)***

Dear Judge Gardephe,

We represent Plaintiff Steven Ferdman in the above-referenced matter. The parties recently briefed cross-motions for summary judgment in the case. Due to an unfortunate and inadvertent office error, Plaintiff did not file his Counter Statement to Rule 56.1 in Opposition to Defendant's Rule 56.1 Statement at the time his Opposition brief was due. In light of this regretful omission, Plaintiff respectfully asks the Court for permission to file the Counter Statement to Rule 56.1, attached hereto as Exhibit 1. The parties respective oppositions were due on October 20, 2017. Plaintiff kindly asks for leave to file the document. Plaintiff has not previously asked to extend a deadline for filing a document.

The Defendant objects citing that it did not have the opportunity to respond to the Counter statement in its Reply. We believe the Counter statement is not introducing any new facts materials to the Defendant' summary judgment motion. All of the facts are contained in either the Plaintiff's Opposition Memorandum, Declaration of Steven Ferdman or in the deposition transcript excerpts cited by the Defendant. Finally, we respectfully ask that the Court allow us to file this document in the interest of justice, since its omission will be onerous and may result in severe consequences for the Plaintiff's case.

We thank the Court for its consideration of this request.

DATED: November 22, 2017

Valley Stream, NY

Respectfully Submitted,

/s/Richard Liebowitz  
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